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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

GUJARAT PROHIBITION OF TRANSFER OF IMMOVABLE PROPERTY AND PROVISION FOR PROTECTION OF TENANTS FROM EVICTION FROM PREMISES IN THE DISTURBED AREAS (AMENDMENT) BILL, 2026.

GUJARAT BILL NO. 18 OF 2026.

A BILL

further to amend the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991.

It is hereby enacted in the Seventy-seventh Year of the Republic of India as follows:−

Short title and commencement.

1. (1) This Act may be called the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas (Amendment) Act, 2026.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 2 of Guj. 12 of 1991.

2. In the Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 (hereinafter referred to as "the principal Act"), in section 2, -

(i) after clause (b), the following clauses shall be inserted, namely:-

"(bb) "Monitoring and Advisory Committee" means the Committee constituted under section 16A;

(bbb) "person aggrieved" means the applicant who is a party to transfer of immovable property under sub-section (3) of section 5 and shall include a person residing in the specified area declared as such by the State Government under sub-section (1) of section 3;";

(ii) clause (d) shall be deleted.

Amendment of section 3 of Guj. 12 of 1991.

3. In the principal Act, in section 3, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Having regard to the advice tendered by the Monitoring and Advisory Committee under section 16A, where the State Government is of opinion that, -

(i) the public order in any area of the State was disturbed for a substantial period by reason of riot or violence of mob; or

(ii) an area of the State has become or is likely to become prone to disturbance of public order due to communal tension between the communities residing in the area, which may result in involuntary displacement of the persons residing in such area,

it may, by notification in the *Official Gazette*,

(a) declare such area to be a specified area;

(b) specify the substantial period (hereinafter referred to as "the specified period").

Explanation. - In this section the word "riot" shall have the same meaning as in sub-section (1) of section 191 of the Bharatiya Nyaya Sanhita, 2023.". **45 of 2023.**

Amendment of section 5 of Guj. 12 of 1991.

4. In the principal Act, in section 5, in sub-section (3), for clause (b), the following clause shall be substituted, namely: -

"(b) On receipt of such application, the Collector shall hold a formal inquiry in the manner provided by the Gujarat Land Revenue Code, 1879, and after giving an opportunity to the persons aggrieved to be heard and after considering any evidence produced, decide whether: - **Bom. V of 1879.**

(i) the immovable property is sought to be transferred in terms of clause (e) of section 2;

(ii) there is free consent of persons intending to be the transferor and the transferee;

(iii) the transfer is for a fair value of immovable property proposed to be transferred;

(iv) there is any likelihood of breach of public order due to communal tension between the communities residing in the area in which the immovable property is proposed to be transferred and accordingly,-

(a) reject the application; or

(b) by an order in writing, give previous sanction to the proposed transfer of immovable property.".

5. In the principal Act, in section 5A,- **Amendment of section 5A of Guj. 12 of 1991.**

(i) for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) Where a transfer of immovable property is null and void under section 4,

(a) the transferor who has received any consideration for such transfer, shall return the consideration to the transferee within a period of six months from date of notification under sub-section (1) of section 3;

(b) the transferee or any other person who has possession of immovable property on behalf of such transferee (hereinafter referred to as the 'agent') shall restore the property to the transferor within the said period of six months.";

(ii) in sub-section (5), for the words "Where a transferor fails to take possession of such property, the property shall temporarily be in the custody of the Collector and", the words "Where a transferor fails to take possession of such property, the Collector shall, *suo-motu* or on an application made by any person aggrieved, temporarily cause to take such property in his custody, and" shall be substituted.

6. In the principal Act, in section 9, - **Amendment of section 9 of Guj. 12 of 1991.**

(i) for the words and figures "sections 4 and 5", the words, figures and brackets "sections 4, 5 and sub-section (4) of section 16B" shall be substituted;

(ii) in the marginal note, for the words and figures "sections 4 and 5", the words, figures and brackets "sections 4, 5 and sub-section (4) of section 16B" shall be substituted.

7. In the principal Act, in section 16A, - **Amendment of section 16A of Guj. 12 of 1991.**

(i) for sub-section (2), the following sub-section shall be substituted, namely: -

"(2) The Monitoring and Advisory Committee shall consist of a Chairperson and such number of other official members as may be prescribed.";

(ii) for sub-section (3), the following sub-section shall be substituted, namely: -

"(3) The Monitoring and Advisory Committee shall conduct or cause to be conducted studies in any area in the State to ascertain and advise the State Government from time to time, whether the public order in the said area of the State was disturbed for a substantial period by reason of riot or violence of mob or whether the said area of the State has become or is likely to become prone to disturbance of public order due to communal tension between the communities residing in the said area, which may result in involuntary displacement of persons residing in the said area.".

8. In the principal Act, in section 16C, for sub-section (2), the following sub-section shall be substituted, namely: - **Amendment of section 16C of Guj. 12 of 1991.**

"(2) The Special Investigation Team shall discharge the following functions, namely: -

(i) assist the Monitoring and Advisory Committee in gathering necessary information in regard to sub-section (3) of section 16A;

(ii) assist the Collector in examining the cases as may be referred before grant of sanction or otherwise under section 5;

(iii) assist the State Government in forming opinion before declaration of any area to be a specified area under section 3.".

Substitution of words "disturbed area" and "disturbed areas" of Guj. 12 of 1991.

9. In the principal Act except section 17, for the words "disturbed area" or "disturbed areas", wherever they occur, the words "specified area" or "specified areas" shall be substituted, respectively.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Prohibition of Transfer of Immovable Property and Provision for Protection of Tenants from Eviction from premises in the Disturbed Areas Act, 1991 prohibits the transfer of immovable property in the disturbed areas of the State. During the implementation of the said Act in the State, it is experienced that in many cases properties are transferred in contravention of the provisions of the Act and unscrupulous persons come in illegal possession thereby. In order to curb such illegal transfers of immovable property, and to protect the interest of the lawful owners, it is considered necessary to amend the aforesaid Act.

It is considered necessary to have further clarity on the words "the person aggrieved" and for that purpose, a new provision has been inserted in the said Act to define the said words.

In place of the existing provision in section 3 of the aforesaid Act, a new provision is sought to be substituted whereby the instances for declaration of any area to be a specified area are enlarged, to include situations where an area of the State has become or is likely to become prone to disturbance of public order due to communal tensions between the communities residing in the area. This is with a view to preventing involuntary displacement of persons residing in such area.

It is also considered necessary that while deciding an application for granting sanction for transfer of immovable property in specified area during the formal inquiry, the collector shall also take into consideration the likelihood of breach of public order due to communal tension between the communities residing in the area, and accordingly make the decision on such application and for that purpose, necessary amendment is proposed in clause (b) of sub-section 3 of section 5.

It is also considered necessary to safeguard the property of the transferor when a transferor fails to take possession of such property, the collector shall, *suo-moto* or on an application made by any person aggrieved temporarily take such property in his custody and for that purpose, necessary amendment is proposed in sub-section (5) in section 5A.

It is also considered necessary to avoid any unnecessary hardship to the persons for obtaining the approval for transfer of any immovable property situated in a specified area by way of mortgage in favour of a financial institution for the purpose of obtaining financial assistance from such institution and for that purpose, necessary amendment is proposed in section 9.

It is also considered necessary to advise the State Government whether the public order in the said area of the State was disturbed for a substantial period by reason of riot or violence of mob or whether the said area of the State has become or is likely to become prone to disturbance of public order due to communal tension between the communities residing in the said area by the Monitoring and Advisory Committee and for that purpose, sub-section (3) of section 16A is proposed to be substituted.

With the due course of time, to assist the State Government, the Collector as well as the Monitoring and Advisory Committee for declaration of any area to be the specified area, the Special Investigation Team shall impart the necessary support needed and for achieving that purpose, sub-section (2) in section 16C is proposed to be substituted.

Lastly, the words “disturbed area” and “disturbed areas” are also proposed to be substituted with the words “specified area” and “specified areas”, respectively.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

SANJAYSINH MAHIDA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects: --

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the said Act shall come into force.

Clause 3.- Sub-section (1) of section 3 of the Act proposed to be substituted by this clause, empowers the State Government to declare, by notification in the *Official Gazette*, such area to be the specified area; and also empowers the State Government to specify the substantial period in the circumstances as mentioned therein.

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 18th March, 2026. **SANJAYSINH MAHIDA.**

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 18th March, 2026.

Government Central Press, Gandhinagar.

Signature Not Verified
Signed by : BHOLUSINGH G THAKUR
Senior Manager
Government Central Press,
Gandhinagar
Date : 2026.04.23 22:22:57 IST